

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2016 DEC 27 AM 9:34

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SO. DIST. OF GA.

EMILY HITCHCOCK PLANTE,
and DUSTIN PLANTE,

Plaintiffs,

v.

RICKY LEE STEWART,

Defendant.

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CV 616-173

O R D E R

Plaintiffs initiated this action on September 12, 2016, in the Superior Court of Toombs County, Georgia. (Doc. 1-1 at 3-5.) In their complaint, Plaintiffs allege that Defendant negligently caused an automobile collision that injured Plaintiffs. Specifically, the complaint alleges that Plaintiff Emily Hitchcock Plante "has sustained injury and damage, including but not limited to medical expenses, loss of income and pain and suffering," and that Plaintiff Dustin Plante "has suffered the loss of consortium of his wife" (Id. at 4.) The complaint also alleges that Plaintiff Emily Hitchcock Plante "has sustained damages in the amount of not less than \$10,000.00." (Id.)

After Plaintiffs filed suit, Defendant served Plaintiffs with his first request for admissions. Defendant asked Plaintiffs to "admit that plaintiff Emily Hitchcock Plante's total alleged damages against defendant Ricky Lee Stewart do not exceed \$75,000," and "that plaintiff Dustin Plante's total alleged damages against defendant Ricky Lee Stewart do not exceed \$75,000." (Doc. 1-3 at 2.) Plaintiffs refused to admit either of these statements.

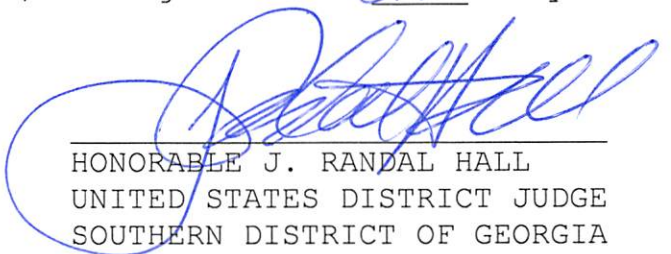
Soon after Plaintiffs responded to Defendant's request for admissions, Defendant removed the action to this Court based on diversity jurisdiction. In his notice of removal, Defendant contends that 28 U.S.C. § 1332's amount-in-controversy requirement is satisfied because Plaintiffs refused to admit that they do not seek damages in excess of \$75,000. But a plaintiff's refusal to admit that his damages do not exceed \$75,000 alone is insufficient to establish federal jurisdiction. See Williams v. Best Buy Co., 269 F.3d 1316, 1320 (11th Cir. 2001). Thus, Defendant's notice of removal, which lacks any other indication that the amount in controversy exceeds \$75,000, fails to establish jurisdiction.

Accordingly, Defendant must provide the Court with evidence that shows that the amount in controversy in this case exceeds \$75,000 **within forty-five days from the date of this Order**. And Defendant is reminded that he must prove that the amount in

controversy exceeds \$75,000 by a preponderance of the evidence.

See Williams, 269 F.3d at 1319.

ORDER ENTERED at Augusta, Georgia this 27th day of
December, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA